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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: FOO - 204352

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 3, 2022, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee Enrollment Services to discontinue FoodShare benefits (FS), a hearing was held on February 23, 2022, by telephone.

The issue for determination is whether petitioner failed to verify necessary information.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: [REDACTED]  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received FS for a six-person household. She completed an FS renewal on November 12, 2021. The agency discovered that petitioner's 21-year-old daughter had third quarter income from five employers. On November 15, the agency requested verification of those five employers plus petitioner's employment at [REDACTED] [REDACTED]. Petitioner verified two of her daughter's employments ([REDACTED] and [REDACTED]) and the [REDACTED] employment.

3. On November 26, 2021, the agency sent petitioner a notice that FS were denied effective December 1, 2021 because she did not verify all income. Petitioner then submitted her daughter's [REDACTED] statements, but those were not accepted. No FS were issued as of December 1, 2021.
4. Petitioner's daughter did not receive any fourth quarter income from the three employers that were not verified.

### DISCUSSION

An FS recipient is required to verify information that can affect eligibility. 7 C.F.R. §273.2(f). If the household fails to verify required information by the time limit, the agency may deny the benefits. 7 C.F.R. §273.14(g)(3); FS Handbook, Appendix 1.2.1.2. The agency should assist the applicant if she requests assistance. FS Handbook, App. 1.2.1.3. If sources of verification are unavailable, the agency should use the best information available. Id.

I believe what happened here was the result of confusion concerning the verification request coupled with some language barrier issues. Petitioner did not verify the three jobs in question ([REDACTED], [REDACTED], and [REDACTED]) because her daughter no longer was working at any of those jobs, and had not worked at them since at least September. I believe she filed the bank statements to show that there was no income from those employers.

I conclude that petitioner verified her income as best she could. We now know, as confirmed by Ms. [REDACTED], that petitioner's daughter had no fourth quarter income from the three employers in question, so in effect petitioner was asked to verify non-existent income. All actual income was verified timely.

I conclude that petitioner should receive FS retroactive to December 1, 2021. In early February, 2022 petitioner reapplied and reported that the [REDACTED] job had ended, and at present she still is in the process of verifying the end of the job. However, the end of that job would result in FS increasing, so February FS still can be issued based upon the previously verified income and later supplemented if petitioner's verified the end of the job timely.

### CONCLUSIONS OF LAW

Petitioner verified income as she was best able during her November, 2021 FS renewal.

**THEREFORE, it is**

**ORDERED**

That the matter be remanded to the agency with instructions to re-open petitioner's FS retroactive to December 1, 2021, with the notation that all household income was verified timely, and to issue appropriate benefits for December through the present based upon the verified income. The agency shall take the action within 10 days of this decision.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and

why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

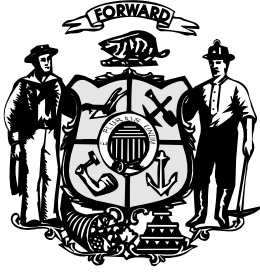
The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 24th day of February, 2022



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Brian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on February 24, 2022.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability